

## **Frederick County Board of Appeals**

### **Meeting Minutes**

**April 25, 2019**

Mr. John Greenwell, Chairman, called to order the regular hearing of the Frederick County Board of Appeals ("Board") for Thursday, April 25, 2019 ("Hearing") at 7:00 p.m. in the 1st. Floor Hearing Room in Winchester Hall, Frederick, MD. In addition to the Chair, present were Board members Mr. Don Miller, Mr. Ken Farrell and Mr. Rob Neale. Also, present were, Mr. Michael Chomel, Assistant County Attorney, and for the Division of Planning and Permitting ("Staff"), Mr. Tolson DeSa, Zoning Administrator and Mr. Michael Paone, Zoning Planner I.

Official Minutes of the Board of Appeals' meetings are kept on file in the Community Development Division.

### **Introductions**

The Chair welcomed the audience to the hearing and requested that all cell phones and other electronic devices be turned off.

### **Approval of Minutes**

On a motion by Mr. Neale, and a second by Mr. Farrell, The Board approved the minutes of the March 28th meeting by a vote of 4-0.

### **Rules and Procedures**

The Chair stated the rules and procedures for the hearing and swore in all persons who expected to testify or cross-examine at the hearing.

### **Case**

#### **B-19-13      **Double M, LLC****

Double M, LLC, as represented by Mr. Noel S. Manalo, Esq. of Miles & Stockbridge is requesting an Appeal of the January 9, 2019 Frederick County Planning Commission Decision to not approve Site Plan SP 16-04A. The property identified as Buckeystown Pike, Tax Map 95, Parcel 88, Tax ID# 01000128 and is zoned Mineral Mining (MM)/Agricultural (A)

The Applicable Zoning Ordinance is:

- 1-19-3.230 Appeals

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After much discussion about the case and how the Board should proceed it was decided that the case would be continued and heard at the May meeting of the Board of Appeals. On motion by Mr. Neale, seconded by Mr. Miller, the Board voted 4-0 to continue the Case to the May hearing so that the Board would be better prepared to offer a proper decision.

**B-19-15      Patricia Ann Hill**

Patricia Ann Hill is requesting a Special Exception Approval for a Limited Agricultural Activity in the Residential Districts. The property is located at 7023 Edgemont Road, Frederick, MD 21702, Tax Map 66, Parcel 0862, Tax ID# 24447014, and is zoned Low Density Residential (R3)

The Applicable Zoning Ordinances are:

- 1-19-3.210 Special Exceptions
- 1-19-8.325 Limited Agricultural Activity in the Residential Districts
- 1-19-11.100 Definitions

Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Ms. Hill presented her case. Nine persons spoke in opposition and one spoke in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did not meet the requirements of the Zoning Ordinance Sections and on a motion by Mr. Miller, amended and seconded by Mr. Neale, the Board voted 3-1 to deny the Applicant's request with Mr. Farrell voting to approve.

**B-19-16      Rolf Wendt**

Rolf Wendt, as represented by Mr. Rick Curry from B&R Design Group, is requesting approval of a Special Exception to allow the development of single family detached dwelling within the FEMA Floodplain. The property is located at 6496 Nightingale Place, New Market, MD 21774, Tax Map 0079, Parcel 0002, Tax ID# 27-508987, and is zoned Planned Unit Development (PUD)

The Applicable Zoning Ordinances are:


- 1-19-3.210 Special Exceptions
- 1-19-6.100 Design Requirements
- 1-19-9.110 Activities within Floodplain Districts
- 1-19-9.200 Procedures for activities within the FEMA Floodplain

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Mr. Paone read the staff report and Mr. DeSa noted no agency comments. Mr. Curry presented his client's case. No one spoke in opposition or in favor of the Application. Based upon the evidence and testimony presented at the hearing the Board found that the request for the Special Exception did meet the requirements of the Zoning Ordinance Sections 1-19-3.210 and 1-19-9.120 and on a motion by Mr. Neale, seconded by Mr. Miller, the Board voted 4-0 to approve the Applicant's request.

The meeting adjourned at 8:32 PM.

A handwritten signature in black ink, appearing to read 'Donald L. Miller', is written over a horizontal line.

Respectfully submitted,  
Donald L. Miller, Secretary

